

1:11cv39

Defendant.

clear, the Fourth Circuit has stated that “[o]ur inquiry into Congress’ intent is at an end, for if the language is plain and the statutory scheme is coherent and consistent, we need not inquire further.” *William v. Gonzales*, 499 F.3d 329, 333 (4th Cir. 2007). It appears that the *McDonald* court created an ambiguity where none existed. Plaintiffs also rely on the Georgia district court’s decision in *In re: Camp Lejeune, North Carolina Water Contamination Litigation*, 1:11-md-02218 (September 29, 2011, N.D.Ga.), in support of their argument that CERCLA should preempt the statute of repose in this case. However, the court finds this case to be unpersuasive, particularly since the *Camp Lejeune* court did not hold that statutes of repose were necessarily preempted by § 9658, only that they could be based on the “factual circumstances of each plaintiff’s claim.” *Camp Lejeune*, p. 23.

Accordingly, the findings and conclusions of the magistrate are accepted and Defendant’s Motion to Dismiss is GRANTED.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the magistrate is hereby AFFIRMED.

Signed: February 6, 2012



Graham C. Mullen
United States District Judge

